House Bill 1295 (AS PASSED HOUSE AND SENATE)

By: Representatives Horne of the 71st and Epps of the 128th

A BILL TO BE ENTITLED

AN ACT

To amend an Act creating a new charter for the City of Haralson, approved May 17, 2004 (Ga. L. 2004, p. 4349), so as to stagger the terms of office for the mayor and councilmembers; to provide for a referendum; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating a new charter for the City of Haralson, approved May 17, 2004 (Ga. L. 2004, p. 4349), is amended by revising Section 2.11 as follows:

″SECTION 2.11.

Elections.

(a) At any election, all persons who are qualified under the Constitution and laws of Georgia to vote for members of the General Assembly of Georgia and who are bona fide residents of the city shall be eligible to qualify as voters in the election.

(b) All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.' Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the 'Georgia Election Code.'

(c) The municipal general election for the City of Haralson shall be conducted on Tuesday next following the first Monday in November, 2010, and on such day in each odd-numbered year thereafter.

(d) For the purpose of electing members of the council, the City of Haralson shall consist of one election district with three numbered posts. Each person seeking election shall designate the post for which he or she seeks election.

(e) The mayor and councilmember from Post 3 who are in office on the effective date of this Act, and any person selected to fill a vacancy in such office, shall serve out the remainder of their terms of office, which shall expire December 31, 2011, and upon the election and qualification of their respective successors. Those successors to councilmembers from Posts 1 and 2 shall be elected at the municipal general election in 2010, shall take office the first day of January immediately following that election, and shall serve for initial terms of three years, which shall expire December 31, 2013, and until their respective successors are elected and qualified. Those and all future successors to councilmembers from Posts 1 and 2 whose terms of office are to expire shall be elected at the municipal general election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of four years and until their respective successors are elected and qualified. Those successors to the mayor and councilmember from Post 3 whose terms of office are to expire in 2011, and all future successors to such offices, shall be elected at the municipal general election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of four years and until their respective successors are elected and qualified.″

SECTION 2.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Coweta County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the City of Haralson for approval or rejection. The election superintendent shall conduct that election on the date and in conjunction with the general election in 2010 and shall issue the call therefor not less than 30 days prior to that date. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Coweta County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act be approved which provides for four-year staggered terms of office for the mayor and councilmembers of the City of Haralson and to
( ) NO reduce the current term of office for the mayor and the Post 3 councilmember from four years to three years?"

All persons desiring to vote for approval of this Act shall vote "Yes," and those persons desiring to vote for rejection of this Act shall vote "No." If more than one-half of the votes cast on such question are for approval of this Act, this Act shall become of full force and effect on December 1, 2010. If this Act is not so approved or if the election is not conducted as provided in this section, the remaining sections of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following

that election date. The expense of such election shall be borne by the City of Haralson. It shall be the election superintendent´s duty to certify the result thereof to the Secretary of State.

SECTION 3.

Except as provided in Section 2 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. If this Act becomes effective, the clerk for the City of Haralson shall immediately notify the Secretary of State's office of this Act's effectiveness. If this Act does not become effective, this Act shall automatically be repealed.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.